

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.  
BENCH AT AURANGABAD.  
CRIMINAL APPELLATE JURISDICTION.**

**Criminal Application No. 1327 Of 2015.**

GANGA KANS SASANE.  
**VERSUS**  
THE STATE Of MAHARASHTRA.

**Appearance**       =>

Mr. Anand Deshmukh, Advocate for the Applicant.

Mrs. V.A. Shinde, Additional Public Prosecutor for the State of Maharashtra.

**Coram       :       V.M. Deshpande, J.**

**Date       :       25<sup>th</sup> March, 2015.**

**Per Court :-**

Present Criminal Application is filed by the applicant for his enlargement on regular bail in connection with CR No. I 149/2014 registered with Police Station, Paithan, District - Aurangabad for the offences punishable under Section.s. 376(2)(I)(F) of the Indian Penal Code and under Section.s. 4 , 5(k), 6, 10 of the Protection of Children from Sexual Offences Act, 2012.

[2]       Heard Mr. Anand Deshmukh, Advocate for the Applicant and Mrs. V.A. Shinde, Additional Public Prosecutor for the State of Maharashtra.

[3]       Investigating Agency has already completed the entire investigation and charge sheet is already filed in the court of law. The applicant is languishing in the jail since 9<sup>th</sup> November, 2014. Prosecutrix was medically examined on 26<sup>th</sup> October, 2014. Medical report of the

prosecutrix is available in the Charge-Sheet. Doctor who medically examined the prosecutrix has observed that there were no injuries on her private part, further there were no external injuries on any part of her body. Further the Doctor has found that hymen is not ruptured.

[4] Mrs. V.A. Shinde, Additional Public Prosecutor has submitted that she has received the final report from the Doctor of Government Medical College, which clearly shows that, at no point of time, the prosecutrix was subjected to sexual assault.

[5] In that view of the matter and in view of the fact that, investigation is over and charge sheet is filed, custodial presence of the present application is not at all required. Hence, I pass the following order :-

### **ORDER**

(i) Criminal Application is allowed.

(ii) Applicant – Ganga Kans Sasane shall be released on regular bail on he executing P.R. Bond of Rs. 5,000/- [Rs.Five Thousand] with two solvent sureties in the like amount, in connection with CR No. I 149/2014 registered with Police Station, Paithan, District - Aurangabad for the offences punishable under Section.s. 376(2)(I)(F) of the Indian Penal Code and under Section.s. 4, 5(k), 6, 10 of the Protection of Children from Sexual Offences Act, 2012.

(iii) The Applicant shall not pressurize the prosecutrix, first informant or any of the prosecution witnesses.

(iv) It is made clear that the observations made in this order are made only in the context of deciding the application for bail and the learned Judge of the court below should not be influenced by the observations made herein, at the time of final decision of the Sessions Case.

**(V.M. DESHPANDE, J.)**